

RICE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REYNALDO REYES,  
on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

ZIONS FIRST NATIONAL BANK,  
NETDEPOSIT, LLC,  
MP TECHNOLOGIES d/b/a MODERN  
PAYMENTS, TELEDRAFT, INC.,  
NATIONAL PENN BANK, WELLS FARGO  
BANK, N.A., and WACHOVIA BANK, N.A.,  
Defendants.

CIVIL ACTION NO. 10-00345

**FILED**

JUL 05 2016

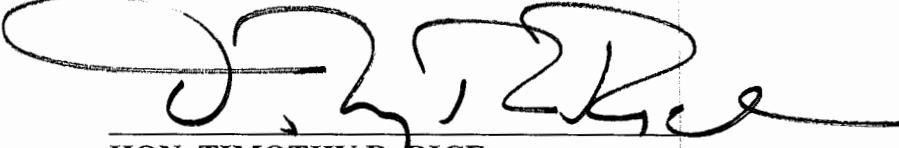
MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

On June 10, 2016, this Court held a Settlement Conference, attended in person by counsel for all parties as well as by general counsel for Zions First National Bank who attended by telephone. At the conference, agreement was reached on all terms of a settlement and this Court set dates for the mailing of notice and final hearing for approval of the settlement based on the settlement having been reached that day. Those dates were agreed to by all parties. No party or its counsel expressed any conditions or reservations upon that agreement. The June 10 conference represented the culmination of many months of negotiation and mediation by the Court and was needed solely to resolve relatively minor issues relating to the draft settlement agreement, all of which were resolved. As of this date, defendants have failed to execute and furnish an agreement to plaintiff or the Court. As a result, plaintiff has been unable to present a motion for preliminary approval of the settlement to the Court. Now, therefore, a binding

settlement having been reached before the Court of June 10, 2016, it is hereby Ordered and Decreed on this 5 day of July, 2016 as follows:

- A. Zions First National Bank shall wire to an escrow account at Huntington National Bank designated by Class Counsel Thirty-Seven Million Five Hundred Thousand Dollars (\$37,500,000.00) no later than noon on July 8, 2016 pursuant to paragraph 2.1 of the Settlement Agreement reached before this Court on June 10, 2016 ("the Settlement Agreement").
- B. The parties are ordered to abide by the terms of the Settlement Agreement attached to Grant Palmer's email to the Court of June 13, 2016 as though executed by defendants.
- C. A Motion for Preliminary Approval of the Settlement Agreement shall be filed no later than noon on July 8, 2016. Plaintiff shall provide a draft of a Motion for Preliminary Approval of the Settlement Agreement to Defendants' counsel by noon on July 6, 2016. Should the parties not reach agreement on the motion, any submission by defendants regarding the motion shall also be filed by noon on July 8.
- D. In the event an executed Settlement Agreement has not been furnished to plaintiff's counsel by the close of business on July 7, 2016, the Motion for Preliminary Approval shall be presented pursuant to paragraph C above, the Court finding that settlement was reached before the Court on June 10, 2016 embracing the terms of the Settlement Agreement to which all parties agreed.



HON. TIMOTHY R. RICE  
UNITED STATES MAGISTRATE JUDGE